


MEMORANDUM

Agenda Item No. 7(D)(1)(C)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D
and Members, Board of County Commissioners

DATE: January 20, 2004

SUBJECT: Exchange of Property Rights in the
N.E. ¼ of Sec. 15, Twp. 52 South,
Rge. 40 East

FROM: George M. Burgess
County Manager 

LOC: N.W. 170 Street at N.W. 77 Avenue

RECOMMENDATION

It is recommended that the Board approve a resolution authorizing approval of a disclaimer for the release of excess county canal reservation no longer needed for canal purpose.

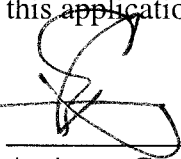
BACKGROUND

On November 18, 1958 the Central and Southern Florida Flood Control Districts presently known as the South Florida Water Management District conveyed to Miami-Dade County at no cost by virtue of Deed No. 2 recorded in Official Records Book 1144 at page 111 of the Public Records of Miami-Dade County, Florida, rights in reservation over the East 130 feet of Section 15, Township 52 South, Range 40 East, a strip of land lying South of N.W. 170 Street. Said rights in reservation were to be used in accordance with the requirements of the County Water Control Master Plan for flood protection and water management. The Master Plan shows a canal contiguous to and west of N.W. 77 Avenue, the Peter Pike's Canal for which a 45-foot canal right-of-way has been acquired in said Section 15. Since no additional right-of-way is required for that canal, the remaining 85 feet of canal reservation can be disclaimed, in exchange for the dedication of the necessary 20-foot canal maintenance easement.

Mr. Marcos M. Gutierrez and Karol Gutierrez, husband and wife, the owner of a portion of Tract 1 which is presently encumbered by the subject 130-foot canal reservation are requesting the release of the 85 feet no longer needed by Miami-Dade County for canal purpose, and in exchange, said owners have provided a valid deed to Miami-Dade County in which the East 20 feet of the West 85 feet is to be used as canal maintenance easement, and in addition they will obtain a Class III permit for the removal of a substandard culvert from said canal, contiguous to their property.

The Department of Environmental Resources Management has processed this application and recommends its approval by the Board.

The advertising provisions of Florida Statute, Chapter 125.37 have been complied with regarding this application.



Assistant County Manager



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: January 20, 2004

FROM: Robert A. Ginsburg
County Attorney

A handwritten signature in black ink, appearing to read "Robert A. Ginsburg".

SUBJECT: Agenda Item No. 7(D)(1)(C)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(D)(1)(C)
1-20-04

RESOLUTION NO. _____

RESOLUTION AUTHORIZING APPROVAL OF A
COUNTY DISCLAIMER FOR THE RELEASE OF A
PORTION OF AN EXCESS CANAL RESERVATION IN
EXCHANGE FOR CANAL MAINTENANCE
EASEMENT IN SECTION 15, TOWNSHIP 52 SOUTH,
RANGE 40 EAST

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the exchange of property rights between Miami-Dade County and Mr. Marcos M. Gutierrez and Karol Gutierrez, husband and wife, over a parcel of land located within Tract 1, FLORIDA FRUIT LANDS COMPANY's SUBDIVISION No. 1, a subdivision located in Section 15, Township 52 South, Range 40 East according to the Plat thereof recorded in Plat Book 2, at Page 17 of the Public Records of Miami-Dade County, Florida; and authorizes execution and recording of a Disclaimer and related documents by the Mayor in substantially the form attached hereto and made a part hereof.

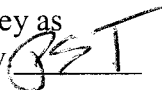
The foregoing resolution was offered by Commissioner _____,
who moved its adoption. The motion was seconded by Commissioner _____
and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency 

Peter S. Tell

By: _____
Deputy Clerk

MIAMI-DADE COUNTY, FLORIDA, DISCLAIMER

KNOW ALL MEN BY THESE PRESENTS that MIAMI-DADE COUNTY, a political subdivision of the State of Florida, does hereby give notice that it disclaims certain rights, title and interests which said MIAMI-DADE COUNTY has in the following described lands lying and being in Miami-Dade County, Florida, to wit:

That portion of the West 85 feet of the East 130 feet of Section 15, Township 52 South, Range 40 East, which lies within the following described property: The East 195 feet of the North 270 feet of Tract 1, less the North 70 feet and less the East 45 feet thereof, of "FLORIDA FRUIT LANDS COMPANY's SUBDIVISION No. 1", in Section 15, Township 52 South, Range 40 East, according to the plat thereof, as recorded in Plat Book 2, at page 17 of the Public Records of Miami-Dade County, Florida.

WHEREAS, the Central and Southern Florida Flood Control Districts by Rights in Reservations Deed No. 2 dated November 18, 1958, recorded in Official Records Book 1144 at Page 111 of the Public Records of MIAMI-DADE COUNTY, FLORIDA, conveyed, assigned, set over and granted to Miami-Dade County for canal and levee purposes only, the above described lands (with other lands); and

WHEREAS, the aforesaid rights in reservations upon the said above described lands are not now needed by MIAMI-DADE COUNTY for canal purposes:

This instrument was prepared by:
Walid Abusad of
Miami-Dade County Environmental
Resources Management
33 S.W. 2nd Avenue, 2nd Floor
Miami, Florida 33130-1540

NOW, THEREFORE, MIAMI-DADE COUNTY DOES disclaim any interest it has in the aforementioned lands by virtue of the said Rights in Reservations Deed No. 2 dated November 18, 1958, recorded in Official Records Book 1144 at Page 111 of the Public Records of Miami-Dade County, Florida.

BY THE ISSUANCE of this instrument MIAMI-DADE COUNTY does not purport to lessen or diminish any existing canal right of way or canal maintenance easement, nor the rights of any other agency or governmental body in and to the aforementioned lands.

IN WITNESS WHEREOF MIAMI-DADE COUNTY FLORIDA, has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor and the Clerk or Deputy Clerk of said Board on this the ____ day of _____ A.D., 20____.

ATTEST:

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

Sign: _____

By: _____

Print: _____

Print: _____

Title: _____

Address: 111 N.W. 1st Street
Metro-Dade Center
Miami, Florida 33128

The foregoing instrument was acknowledged before me this ____ day of _____,
20____, by _____, who is personally known to me or who has produced
_____ as identification and who did take an oath.

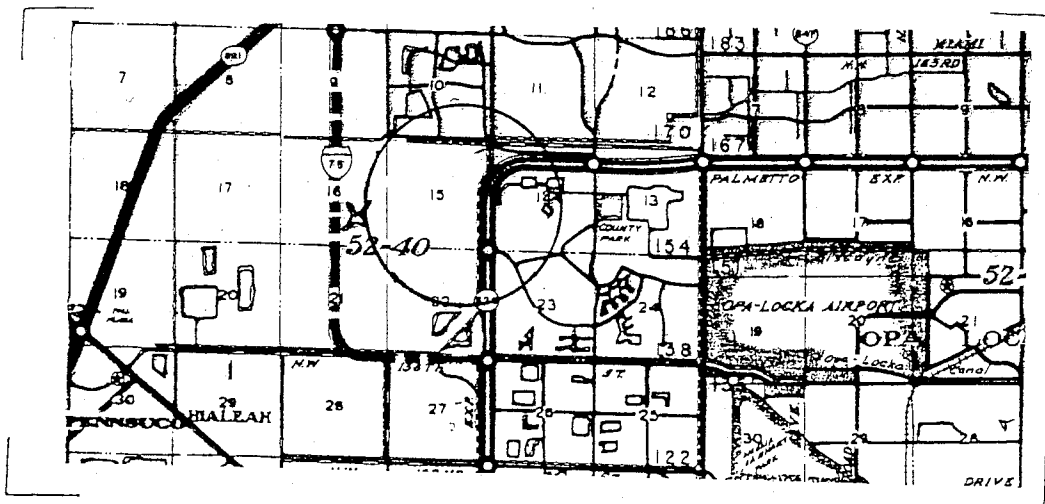
NOTARY PUBLIC:

Sign _____

Print _____

STATE OF FLORIDA at large
(Seal)

My commission expires: _____



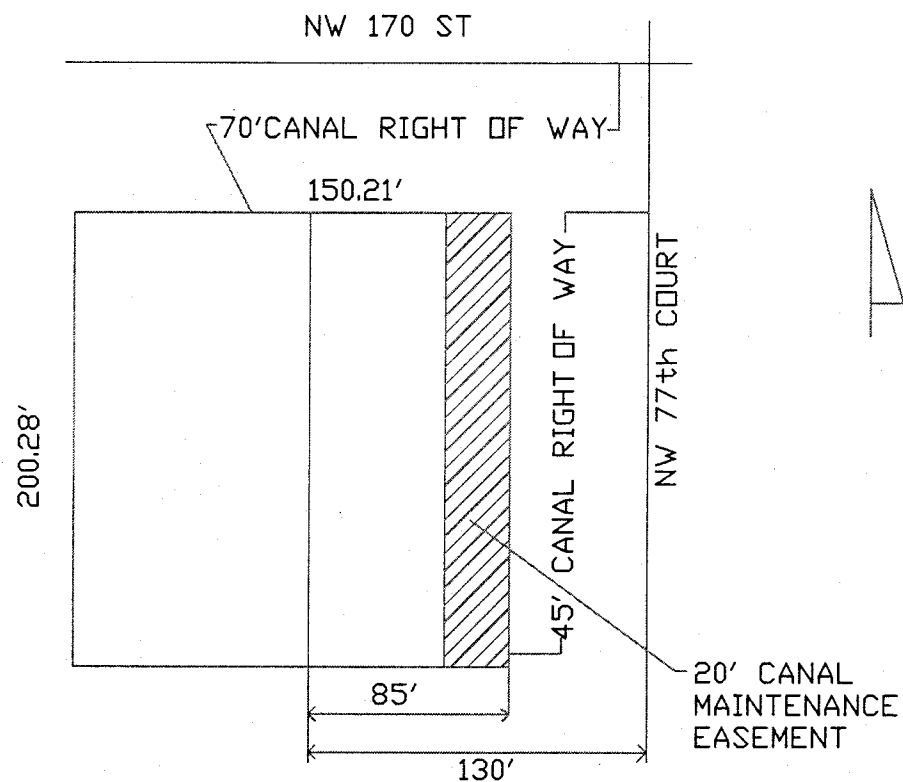
W.C. **811**

SEC. **15**

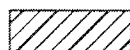
TWP. **52**

RGE. **40**

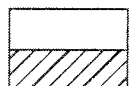
LOCATION SKETCH



NOT TO SCALE



20 foot CANAL MAINTENANCE EASEMENT TO BE ACQUIRED



85 foot CANAL RESERVATION TO BE RELEASED

EASEMENT FOR CANAL MAINTENANCE

STATE OF FLORIDA,)
)
 COUNTY OF MIAMI-DADE.)

THIS INDENTURE, Made this 28th day of March, A.D. 2003, by and _____

between Marcos M. Gutierrez and Karol Gutierrez, husband and wife _____

of the County of Miami-Dade, State of Florida, party of the first part and the County of Miami-Dade, a political subdivision of the State of Florida, and its successors in interest, party of the second part.

KNOW ALL MEN BY THESE PRESENTS that whereas the said party of the first part are the owners of the hereinafter described land in Miami-Dade County, Florida and

WHEREAS, the parties hereto desire that the drainage canal which lies adjacent to said land be maintained and kept free and clear of all obstruction, debris, silt, hyacinths, and other vegetable matter, and the party of the first part, to accomplish said purpose, is willing to convey to the party of the second part an easement hereinafter described to be used by the party of the second part in the cleaning of said canal.

NOW, THEREFORE, in consideration of the premises, and of the sum of Ten Dollars (\$10.00) in hand paid by the party of the second part, the receipt of which is hereby acknowledged, the party of the first part has granted, bargained and sold, and conveyed to the party of the second part an easement over, along and across the following described land lying and being in Miami-Dade County, Florida:

That portion of the East 20 feet of the West 85 feet of the East 130 feet of Section 15, Township 52 South, Range 40 East, which lies within the following described property: The East 195 feet of the North 270 feet of Tract 1, less the North 70 feet and less the East 45 feet thereof, of "FLORIDA FRUIT LANDS COMPANY's SUBDIVISION No. 1", in Section 15, Township 52 South, Range 40 East, according to the plat thereof, as recorded in Plat Book 2, at page 17 of the Public Records of Miami-Dade County, Florida.

together with the right to remove all trees, growth and shrubbery therefrom and to temporarily deposit such spoil, silt, hyacinths, and other vegetable matter which the party of the second part shall remove from the canal from time to time,

This instrument was prepared by:

Walid Abusad, of
 Miami-Dade County Environmental
 Resources Management
 33 S.W. 2nd Avenue, Suite 200
 Miami, Florida 33130

in the cleaning of said canal, and together also with the right to the party of the second part to use said strip of land in such manner as may be necessary in the operation of the equipment use by the party of the second part in the cleaning of said canal.

All of the provisions hereof shall inure to the benefit of the heirs, executors, administrators and assigns and the successors in interest of the respective parties.

IN WITNESS WHEREOF, the said party of the first part, has hereunto set his hand and seal, the day and year above written.

Signed, Sealed, and delivered
in our presence:

WITNESS:

Sign

Print

Sign

Print

Name

Print

Address

Name


Print

Address

STATE OF Florida)
 COUNTY OF Dade)

The foregoing instrument was acknowledged before me this 2 day of
JUNE, 2003, by Marcos M Gutierrez, who is personally known to me or who
 has produced Personally known as identification and did take an oath.


NOTARY PUBLIC:
 Sign Maria E. Barrios
 Print MARIA E. BARRIOS
 State of Florida at Large Seal
 My Commission Expires:

 MARIA E. BARRIOS
 MY COMMISSION # DD 097881
 EXPIRES: June 10, 2006
 Bonded Thru Budget Notary Services

STATE OF Florida)
 COUNTY OF Dade)

The foregoing instrument was acknowledged before me this 2 day of
JUNE, 2003, by Karol Gutierrez, who is personally known to me or who
 has produced Personally known as identification and did take an oath.

NOTARY PUBLIC:
 Sign Maria E. Barrios
 Print MARIA E. BARRIOS
 State of Florida at Large Seal
 My Commission Expires:

 MARIA E. BARRIOS
 MY COMMISSION # DD 097881
 EXPIRES: June 10, 2006
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CANAL MAINTENANCE EASEMENT DEED

TO

MIAMI-DADE COUNTY

FROM

Marcos M. Gutierrez & Karol Gutierrez, husband and wife

TO

MIAMI-DADE COUNTY, FLORIDA

The foregoing dedication was accepted and approved on the _____ day of _____,
20____, by Resolution No. _____ of the Board of County Commissioners of Miami-Dade County,
Florida.

Sign: _____

Print: _____

Title: _____

Address: _____

ATTEST: HARVEY RUVIN
Clerk of said Board

By: _____
Deputy Clerk